

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sessano et al-1

SERIAL NO: 10/849,697

EXAMINER:

FILED: May 25, 2006

GROUP:

TITLE: SAFETY AID STATION FOR CONSTRUCTION PROJECTS

RESPONSE TO RESTRICTION REQUIREMENT

ATT: BOX NON-FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated April 25, 2006

Applicant respectfully responds as follows:

REMARKS

The Patent Examiner has required a restriction to one of the following species:

Group 1: FIGS. 1-3

Group 2: FIG. 4

The Applicant respectfully selects, with traverse, the invention of Group 1 as set forth in claims 1-14 for further prosecution.

It is believed that these claims encompass the embodiment according to FIGS. 1-3 as well as the embodiment of Group 2 according to FIG. 4.

Applicant traverses the restriction requirement. The present independent claim 1 as well as independent claim 13 and therefore the embodiments according to FIGS. 1-3 are believed to have a unitary connection in terms of problem and solution, and are connected to each other in such a way that they realize a single general inventive idea. This idea is to provide a safety device for a construction site. Therefore, it is respectfully submitted that the requirement of "unity" is fulfilled and all claims should be able to be prosecuted in a single application.

Moreover, it is believed that any search for the species embodied in FIGS. 1-3 would necessarily include search of the species embodied in the remaining groups. Thus, the simultaneous search for all the groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the groups. Also, the necessity of filing multiple patent applications for the same invention does

10/849,697

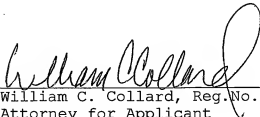
not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected invention.

For all of these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. §121 be withdrawn and that an action on the merits of all the claims be rendered.

Respectfully submitted,

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

  
William C. Collard, Reg. No. 38,411  
Attorney for Applicant

10/849,697

I hereby certify that this correspondence is being forwarded to the Commissioner for Patents on May 25, 2006.

/William Collard/  
William Collard